

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

Civil No. 3:16-md-2738-MAS-RLS

This document relates to:

AMY M. RICO, Individually; adult child  
NATALIE PAGE NEWTON; H.R. Jr., a  
minor child; L.R., a minor child; and M.R. a  
minor child.

Case No. 3:17-cv-11342-MAS-RLS

**PLAINTIFFS' RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE**

**INTRODUCTION**

Plaintiffs Amy Rico, Natalie Page Newton, H. R., Jr., and M.R. ("Plaintiffs") respectfully file their response to the Court's Order to Show Cause. In Plaintiffs' individual case, Counsel for Plaintiffs filed a Motion to be Relieved as Counsel Pursuant to Local Civil Rule 102.1 on January 22, 2024 (Dkt. 11). On January 23, 2024, the Court set the Motion for February 20, 2024, and the motion was to be decided on the papers with no appearances required. Defendants did not file an opposition to Plaintiffs' Motion to be Relieved as Counsel. On June 28, 2024, the Court Ordered Counsel for Plaintiffs shall supplement the Motion with a Certificate of Service of the Motion on their clients, by no later than July 15, 2024. (Dkt. 13). On July 1, 2024, Counsel for Plaintiffs filed its

supplemental Certificate of Service re Motion to Withdraw as Counsel for Plaintiffs. (Dkt. 14). Plaintiffs' motion remains pending.

Counsel for Plaintiffs seeks from this Court a voluntary dismissal without prejudice to their current claims against Defendants under Fed. R. Civ. P. 41(a)(2).

### **ARGUMENT**

Pursuant to the Court's MDL Amended PPF Order dated September 1, 2023 (Dkt. 27291), cases filed in or transferred to the MDL during the calendar years during the calendar years 2016-2017, Plaintiffs were ordered to submit a Plaintiff Profile Form by October 16, 2023.

Since the Court's Amended PPF order was put in place, Wisner Baum LLP made numerous attempts to contact plaintiffs by telephone, email, and correspondence by mail and FedEx to comply with the MDL discovery deadlines including (Plaintiff Profile Form). Wisner Baum LLP sought extensions of the discovery deadlines given the lack of response by plaintiffs.

On January 5, 2024, Plaintiff's Counsel notified Defendants requesting an extension until February 10, 2024 to submit Plaintiff's Profile Form. In addition, Wisner Baum LLP advised Defense Counsel the difficulties in reaching Plaintiffs and our intention to file a motion to withdraw and if Defendant Counsel opposes a motion to compel. Defense Counsel confirmed they do not oppose a motion to withdraw. (See

Exhibit A).

On January 22, 2024, Plaintiff's Counsel for Amy Rico submitted for filing a Notice of Motion to be Relieved as Counsel under Local Civil Rule 102.1 (Dkt. 11, Individual Case No. 3:17-cv-11342-MAS-RLS). As of this date, no such ruling has been made.

### CONCLUSION

For the foregoing reasons, Wisner Baum LLP is unable to continue its representation of plaintiffs in the absence of their guidance, direction, cooperation, or participation in the litigation. Under these circumstances, Wisner Baum LLP has demonstrated this claim should be dismissed without prejudice. Withdrawal by Wisner Baum LLP as to Plaintiffs can be accomplished without adverse effect on the interests of the parties and will not prejudice any of the other litigants. Defense counsel is not opposed to Plaintiffs' motion to be relieved as counsel for plaintiffs.

Dated: July 1, 2024

Respectfully Submitted by:

/s/ Stephanie Sherman

Stephanie Sherman, Esq.

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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on **July 1, 2024**, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operations of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

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